

incorporating the city of Houston, in Harris county;" approved April 21, A. D. 1879. Approved March 9, 1881.

Substitute House bill No. 807, "An act to regulate the sale of spirituous, vinous or malt liquors or medicated bitters; to fix the rate of occupation tax upon all persons, firms or associations of persons, engaged in the sale of spirituous, vinous or malt liquors or dedicated bitters; to define the manner and time of collecting such tax, and to affix penalties for failure to pay the same, and to repeal all laws and parts of laws in conflict with the provisions of this act." Approved March 11, 1881.

House bill No. 227, An act to amend articles 3824 and 3825, title 70, of the Revised Civil Statutes of the State of Texas, and to add thereto article 3825a and 3825b, and to create Clay, Baylor, Wheeler and Oldham county land district. Approved March 11, 1881.

House bill No. 223, An act to amend sections 1 and 6 of "an act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale," passed at the special session of the Sixteenth Legislature. Approved March 11, 1881.

House bill No. 505, An act to release certain inhabitants in the town of Savoy, county of Fannin, from the payment of taxes assessed and now due for the year A. D. 1880, in consequence of a great public calamity. Approved March 11, 1881.

House bill No. 435, An act to amend article 3971, chapter 11, of the Revised Civil Statutes, providing for the disposal of certain lands known as the Indian reservations, and to repeal articles 3972, 3973, 3974, 3975 and 3976 of the Revised Statutes upon the same subject. Approved March 11, 1881.

Senate bill No. 153, An act to be entitled an act to amend title 11, chapter 1, article 241, of the Revised Civil Statutes of Texas, adopted February 21, 1879. Approved March 11, 1881.

House bill No. 385, An act to repeal "an act to diminish the civil jurisdiction of the County Court of Navarro county, and to conform the jurisdiction of the District Court of said county to such change," approved July 2, A. D. 1879, and to prescribe the jurisdiction of said county court. Approved March 12, 1881.

No. 1, concurrent resolution, allowing room in Capitol building for Western Union Telegraph Office. Approved January 17, 1881.

Senate joint resolution No. 4, Joint resolution regarding the port of Galveston. Approved January 24, 1881.

House joint resolution No. 11, Joint resolution granting leave of absence to the Hon. Jos. Abbott, Judge of the Twenty-eight Judicial District. Approved February 9, 1881.

Senate joint resolution No. 34, Joint resolution instructing our Senators and requesting our Representatives in Congress to use their endeavors to procure substantial and suitable appropriations for the attainment of a large draft of water on the bars of Brazos de Santiago, Aransas, Sabine Pass, Pass Cavallo and the mouth of Brazos and Buffalo Bayou, in the State of Texas. Approved February 12, 1881.

House joint resolution No. 39, Joint resolution authorizing the Governor to employ a suitable and competent architect, or architects, to assist the Board of Commissioners appointed to superintend the construction of a new capitol, and to provide for the payment of his services. Approved February 15, 1881.

Substitute House bill Nos. 329 and 339, An act to amend articles 423, 424, 425, 426, 427, 428, 429, and 430a, and to create article 426j, and to repeal article 430, chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game. Approved March 15, 1881.

House bill No. 282, An act to amend article 1974, and to establish article 1802a and 1822a, of the Revised Civil Statutes of the State of Texas, concerning estates of deceased persons. Approved March 15, 1881.

House bill No. 35, An act to amend article 1081, chapter 3, title 15, of the Code of Criminal Procedure, adopted February 21, 1879. Approved March 15, 1881.

Senate bill No. 72, An act to procure from the publishing house owning the copyrights certain volumes of the early reports of the Supreme Court of the State, and to make an appropriation therefor. Approved March 15, 1881.

Senate bill No. 208, An act to diminish the civil and criminal jurisdiction of the County Courts of Grimes, Montgomery and Karnes counties, and to conform the jurisdiction of the districts courts of said counties to such change. Approved March 15, 1881.

Senate bill No. 181, An act to prescribe the times of holding the District Courts in the counties of the Thirteenth Judicial District. Approved March 15, 1881.

Senate bill No. 12, An act to amend articles 111 and 112, of chapter 5, of an act entitled, "an act to adopt and establish a Penal Code and a Code of Criminal Procedure, for the State of Texas," passed at the regular session, A. D. 1879. Approved March 15, 1881.

Senate bill No. 181, An act granting a land certificate of twelve

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hundred and eighty (1280) acres to each of the surviving soldiers of the Texas Revolution, and the surviving signers of the Declaration of Texas Independence, and to the widows of those that fell at the Dawson massacre, and to repeal an act approved April 26, 1879, entitled, "an act granting a land certificate of six hundred and forty acres to each of the indigent veterans who were engaged in the struggle for Texas Independence, prior to and at the battle of San Jacinto, enrolled under the act approved July 28, 1876. Approved March 15, 1881.

The President, after reading captions, signed:

House joint resolution No. 37, "proposing an amendment to sections 2, 3, 5, 6 and 8, of article 5, of the Constitution of the State of Texas."

House joint resolution No. 48, "granting the Honorable G. B. Gerald, Judge of the County Court of McLennan county, sixty days leave of absence from the State."

House bill No. 521, "An act to provide for the organization of the State penitentiaries, and for the more efficient management of the same."

House bill No. 267, "An act to amend article 1054, title 15, chapter 2, of the Code of Criminal Procedure of the State of Texas."

Also, House bill No. 211, "An act to detach 5334 acres from Hill county, and attach the same to Johnson county, and define the line between said counties."

Senator Cooper moved to take up House bill No. 39, entitled "An act to amend article 507, of title 7, chapter 11, of the Revised Civil Statutes of the State of Texas, relating to towns and villages." Adopted unanimously, and bill taken up.

Senator Gooch offered the following amendment: Strike out the caption and insert:

An act to amend article 506, chapter 11, title 17, and create article 340a, chapter 1, of said title of the Revised Civil Statutes of the State of Texas, relating to cities, towns and villages."

Adopted.

Also, the following amendment: Strike out section 1 and insert article 506:

When a town or village may contain more than two hundred or less than ten thousand inhabitants, it may be incorporated as a town or village, in the manner prescribed in chapter 11, title 17, of the Revised Civil Statutes, and there is hereby created an article which shall read as follows:

Article 340a. When a city or town may contain one thousand inhabitants, or over, it may be incorporated as a city or town in the manner prescribed by chapter 11 of this title; *provided*, that an election shall be ordered on the application of fifty electors of such city or town; and, *provided further*, that when an election is held according to the provisions of said chapter 11, to be incorporated as a "city or town," the words "towns and villages" shall be construed to read "cities and towns."

Adopted, and bill passed to third reading;

Senator Stubbs, for the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 16, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 149, "An act to amend sections 87, 96, 97, 98, 99, 127, 131 and 132, of 'an act to incorporate the city of Galveston, and to grant a new charter,' approved August 2, 1876," and find the same correctly engrossed.

STUBBS, for the Committee.

Senator Homan moved to adjourn until 3:30 p. m.

Senator Duncan moved to adjourn until 9:30 A. M. tomorrow, in order that the committees might work this evening. Adopted.

## FIFTY-SIXTH DAY.

SENATE CHAMBER, }  
AUSTIN, March 17, 1881. }

Senate met pursuant to adjournment; President in the chair.

Roll called; quorum present.

Prayer by Rev. Dr. Crain, president of Baylor University, Texas.

On motion of Senator Martin of Navarro, the reading of the journal of yesterday was dispensed with and the same adopted.

House bill No. 39, "An act to amend article 506, title 7, chapter 11, of the Revised Civil Statutes of the State of Texas, relating to towns and villages," was taken up as business on the President's table, read third time and passed.

A message was received from the House, announcing its concurrence in Senate amendments to House bills Nos. 310 and 486 and substitute to House bill No. 217; and that it has concurred in Senate amendments to House bill No. 576.

Also, that it has passed Senate bill No. 138, "An act for the relief of Thomas B. Hearne."

Senate bill No. 256, "An act for the relief of W. M. Harrison and L. A. Ellis," and Senate bill No. 149, "An act to amend sections 87, 96, 97, 98, 99, 127, 131 and 132 of 'an act to incorporate Galveston and to grant a new charter,' approved August 2, 1876."

House bill No. 266, "An act to authorize the Commissioner of the General Land Office to approve the bounty land warrant for 1920 acres of land issued on the twenty-fifth day of November, 1846, by William G. Cooke, Adjutant-General, to the heirs of William N. French," was taken up, read second time and passed to a third reading.

On motion of Senator Rainey, the rules were suspended to place the bill on its third reading by the following vote:

YEAS—26.

|                    |                    |             |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Hightower,         | Patton,     |
| Buchanan of Wood,  | Homan,             | Powers,     |
| Burton,            | Houston,           | Rainey,     |
| Cooper,            | Lair,              | Ross,       |
| Davenport,         | Lane,              | Stubbs,     |
| Duncan,            | Lightfoot,         | Swain,      |
| Gooch,             | Martin of Cooke,   | Weatherred, |
| Harris,            | Martin of Navarro, | Wynne.      |
| Henderson,         | Moore,             |             |

NAYS—none.

NOT VOTING—2.

Burges, Terrell.

Bill read third time and passed by the following vote:

YEAS—25.

|                    |                    |             |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Homan,             | Patton,     |
| Buchanan of Wood,  | Houston,           | Powers,     |
| Burton,            | Lair,              | Rainey,     |
| Davenport,         | Lane,              | Ross,       |
| Duncan,            | Lightfoot,         | Stubbs,     |
| Gooch,             | Martin of Cooke,   | Swain,      |
| Harris,            | Martin of Navarro, | Weatherred, |
| Henderson,         | Moore,             | Wynne.      |
| Hightower,         |                    |             |

NAYS—none.

NOT VOTING—3.

Burges, Cooper, Terrell.

Senator Duncan moved to call up the motion to reconsider the vote passing House bill No. 91, entitled "An act to authorize the refunding of moneys paid into the General Land Office, under the provisions of 'an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad reserve,' passed August 26, 1856; and the provisions of a supplemental act entitled 'an act supplemental to an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad reserve,' approved November 27, 1857,' in all cases wherein the State failed to patent the lands for which such moneys were paid, and to make an appropriation therefor," to third reading. Adopted, and bill reconsidered.

Senator Lane offered the following amendment: Amend

by striking out all that relates to interest in the bill. Adopted by the following vote:

YEAS—23.

|                     |                    |             |
|---------------------|--------------------|-------------|
| Buchanan of Grimes, | Homan,             | Patton,     |
| Cooper,             | Houston,           | Powers,     |
| Davenport,          | Lair,              | Rainey,     |
| Duncan,             | Lane,              | Stubbs,     |
| Gooch,              | Lightfoot,         | Swain,      |
| Harris,             | Martin of Cooke,   | Weatherred, |
| Henderson,          | Martin of Navarro, | Wynne.      |
| Hightower,          | Moore,             |             |

NAYS—none.

NOT VOTING—5.

Buchanan of Wood, Burton, Terrell.  
Burges, Ross,

Bill passed to third reading.

House bill No. 427, "An act to provide for designating and setting apart 300 leagues of land out of the unappropriated public domain for the benefit of the unorganized counties of the State, and to provide for the survey and location of the same," was taken up, read second time and passed to third reading.

House bill No. 519, "An act to provide for the cancellation of sales of lands situated in unorganized counties in cases where sales have been made in error by the Comptroller, and for the relief of the purchasers thereof," was taken up and read second time.

Senator Powers moved to postpone the bill indefinitely. Adopted.

House bill No. 559, "An act to define the time for holding the District Court of Kaufman county," was taken up and read second time.

Senator Lightfoot offered the following amendments: Amend the caption by adding thereto the following words: "and the other counties in the Eighth Judicial District."

Amend section 1 by inserting between the words "weeks" and "provided," in line 9, the following words:

In the county of Hunt, on the fourth Mondays after the first Mondays in June and December, and may continue in session five weeks; in the county of Delta, on the ninth Mondays after the first Mondays in June and December, and may continue in session three weeks; in the county of Hopkins, on the twelfth Mondays after the first Mondays in June and December, and may continue in session five weeks; in the county of Raina, on the seventeenth Mondays after the first Mondays in June and December, and may continue in session two weeks; in the county of Rockwall, on the nineteenth Mondays after the first Mondays in June and December, and may continue in session until the business is disposed of.

Amend, after the word "provided," in line 9, of section 1, by striking out the word "court" wherever it occurs, and inserting in lieu thereof the word "courts."

On motion of Senator Buchanan of Wood, the bill and amendments were laid on the table till to-morrow, and subject to call.

House bill No. 570, "An act to authorize and empower the Treasurer, with the advice and consent of the Governor and Comptroller, to use surplus moneys that may be at any time in the State Treasury, belonging to the general fund, for the purchase and retirement of outstanding bonds of the State," was taken up, read second time, committee amendment adopted, and bill passed to third reading.

On motion of Senator Lane, rules were suspended to place bill on third reading, by the following vote:

YEAS—24.

|                    |                    |             |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Houston,           | Powers,     |
| Buchanan of Wood,  | Lair,              | Rainey,     |
| Burges,            | Lane,              | Ross,       |
| Davenport,         | Lightfoot,         | Stubbs,     |
| Gooch,             | Martin of Cooke,   | Swain,      |
| Harris,            | Martin of Navarro, | Terrell,    |
| Henderson,         | Moore,             | Weatherred, |
| Hightower,         | Patton,            | Wynne.      |

NAYS—none.  
NOT VOTING—4.

Burton, Duncan, Homan.  
Cooper,

Bill read third time and passed by the following vote:

YEAS—26.

|                     |                    |             |
|---------------------|--------------------|-------------|
| Buchanan of Grimes, | Hightower,         | Patton,     |
| Buchanan of Wood,   | Homan,             | Powers,     |
| Burges,             | Houston,           | Rainey,     |
| Burton,             | Lair,              | Ross,       |
| Cooper,             | Lane,              | Stubbs,     |
| Davenport,          | Lightfoot,         | Swain,      |
| Gooch,              | Martin of Cooke,   | Weatherred, |
| Harris,             | Martin of Navarro, | Wynne.      |
| Henderson,          | Moore,             |             |

NAYS—none.

NOT VOTING—2.

Duncan, Terrell.

Senator Lane moved to call up Senate bill No. 270, "An act to diminish the civil and criminal jurisdiction of the County Court of DeWitt county, and to conform the jurisdiction of the district court of said county to such change." Adopted unanimously, and bill ordered engrossed.

Senator Buchanan of Grimes offered the following amendment: Amend the caption and bill by adding, "Walker," after "DeWitt," and inserting "counties" for "county," where it occurs. Adopted and bill ordered engrossed.

On motion of Senator Lane, rules were suspended, and bill placed on its third reading by the following vote:

YEAS—23.

|                    |                    |             |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Homan,             | Powers,     |
| Buchanan of Wood,  | Lair,              | Rainey,     |
| Burton,            | Lane,              | Ross,       |
| Cooper,            | Lightfoot,         | Swain,      |
| Gooch,             | Martin of Cooke,   | Terrell,    |
| Harris,            | Martin of Navarro, | Weatherred, |
| Henderson,         | Moore,             | Wynne.      |
| Hightower,         | Patton,            |             |

NAYS—none.

NOT VOTING—5.

Burges, Duncan, Stubbs,  
Davenport, Houston,

Bill read third time and passed.

Senate joint resolution No. 39, "Reviving certain appropriations for the payment of the second class debt," was taken up and read second time.

On motion of Senator Lane, the bill was laid on the table subject to call.

Senate bill No. 115, "An act to amend article 2799 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879," was taken up, read second time, committee amendment adopted, and bill ordered engrossed.

Senator Burges moved to take up Senate bill No. 180, "An act for the relief of the heirs of Lieutenant Samuel Wilson, deceased, who fell at Fannin's massacre in 1836." Adopted unanimously, and bill taken up and read second time.

Senator Burges offered the following amendment:

WHEREAS, The close of the present session of the Legislature is near at hand, that the final passage of this bill can not be reached without the suspension of the constitutional rule, requiring bills to be read on three several days; and, whereas, the heirs of said Samuel Wilson have never received the lands due them as heirs apparent, and should no longer be deprived of their right to the same, creates an imperative public necessity and emergency for the immediate passage of this act. It is, therefore, enacted that said constitutional rule be suspended, and that this act take effect and be in force from and after its passage.

Adopted, and bill ordered engrossed.

On motion of Senator Burges, rules were suspended and bill placed on third reading by the following vote:

YEAS—22.

|                   |                    |             |
|-------------------|--------------------|-------------|
| Buchanan of Wood, | Homan,             | Patton,     |
| Burges,           | Lair,              | Powers,     |
| Burton,           | Lane,              | Stubbs,     |
| Davenport,        | Lightfoot,         | Swain,      |
| Gooch,            | Martin of Cooke,   | Terrell,    |
| Harris,           | Martin of Navarro, | Weatherred, |
| Henderson,        | Moore,             | Wynne.      |
| Hightower,        |                    |             |

NAYS—none.

NOT VOTING—6.

Buchanan of Grimes, Duncan, Rainey,  
Cooper, Houston, Ross.

Bill read third time, and passed by the following vote:

YEAS—25.

|                    |                    |             |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Hightower,         | Moore,      |
| Buchanan of Wood,  | Homan,             | Patton,     |
| Burges,            | Houston,           | Powers,     |
| Cooper,            | Lair,              | Rainey,     |
| Davenport,         | Lane,              | Ross,       |
| Duncan,            | Lightfoot,         | Swain,      |
| Gooch,             | Martin of Cooke,   | Weatherred, |
| Harris,            | Martin of Navarro, | Wynne.      |
| Henderson,         |                    |             |

NAYS—none.

NOT VOTING—3.

Burton, Stubbs, Terrell.

Senator Burges, by request, introduced, by leave, a bill entitled "An act to amend 'an act to adopt and establish the Revised Civil Statutes,' passed March 17, 1879." Referred to Judiciary Committee No. 1.

Senator Buchanan of Grimes, by leave, introduced a bill entitled "An act to authorize James Harding to sue the State of Texas." Referred to Committee on State Affairs.

Senate bill No. 116, "An act to prohibit the sale, exchange or gift within this State of intoxicating liquors, other than wines and malt liquors, except for medical purposes," was taken up, with adverse report of committee, and, on motion of Senator Homan, report adopted and bill lost.

Senator Lair, chairman of Committee on Private Land Claims, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 17, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 160, "An act for the relief of the heirs of Samuel T. Allen, deceased," have had the same under consideration, and I am directed to report the same with recommendation that it do pass.

LAIR, Chairman.

Bill read first time.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 17, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 252, "An act to amend chapter 11, title 17, of the Revised Civil Statutes of the State of Texas, so that towns and villages may be incorporated for free school purposes only;" Senate bill No. 215, "An act to legalize the sale of real estate which belonged to Coleman county, in and near the town of Coleman, Coleman county, Texas;" Senate bill No. 220, "An act for the relief of W. S. Booth, S. F. Grimes and Maria Leftridge;" Senate bill No. 145, "An act to amend sections 1, 4, 5, 6, 7 and 10 of 'an act establishing and prescribing the means of ascertaining the boundaries of counties,' approved April 23, 1879;" and find the same correctly engrossed.

BUCHANAN, Chairman.

Senator Houston, chairman of Committee on Constitutional amendments, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, March 17, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 33, "joint resolution proposing

an amendment to section 1, article 8, of the Constitution of the State of Texas, by substituting another section therefor," have had the same under consideration, and the majority instruct me to report it back to the Senate with the recommendation that it do not pass. The joint resolution proposes to so amend the Constitution as to deprive the Legislature of the authority to levy any poll tax for revenue purposes, and such change is not deemed advisable at this time.

Respectfully submitted,

HOUSTON, Chairman.

Resolution read first time.

COMMITTEE ROOM,  
AUSTIN, March 17, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolutions Nos. 16 and 25, "Joint resolution amending section 5, article 7 of the Constitution of the State of Texas," and "Joint resolution amending section 5 of article 7 of the Constitution of the State of Texas," have had the same under consideration, and the majority instruct me to report them back to the Senate with the recommendation that they do not pass. These joint resolutions propose to so amend the Constitution as to strike out the prohibition against sectarian schools, in the distribution of the school fund.

Respectfully submitted,

HOUSTON, Chairman.

Resolution read first time.

Senate bill No. 122, "An act to amend article 577, chapter 3, title 20, Revised Civil Statutes of the State of Texas," was taken up, and, on motion of Senator Martin of Cooke, was laid on the table subject to call.

Senator Davenport moved to reconsider the vote just taken. Adopted, and the bill reconsidered.

Bill read second time.

Senator Duncan moved to lay the bill on the table subject to call. Withdrawn, and bill ordered engrossed.

Senate bill No. 123, "An act to amend article 1828, chapter 4, title 37 of the Revised Civil Statutes," was taken up, read second time and ordered engrossed.

Senate bill No. 124, "An act providing for the custody and safe-keeping of the Texas reports, statutes and law books belonging to the counties in this State," was taken up and read second time.

Senator Henderson offered the following amendment:

The fact that the Legislature is drawing to a close, and it being important that a law should be passed at this session for the proper custody of law books belonging to the various counties of this State, creates an imperative public necessity that the Constitutional rule requiring bills to be read on three several days prior to the passage be suspended; and it is so enacted.

Adopted, and bill ordered engrossed.

On motion of Senator Henderson, rules were suspended to place the bill on its third reading by the following vote:

YEAS—22.

|                    |                    |             |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Homan,             | Powers,     |
| Cooper,            | Lair,              | Rainey,     |
| Davenport,         | Lane,              | Stubbs,     |
| Duncan,            | Lightfoot,         | Swain,      |
| Gooch,             | Martin of Navarro, | Terrell,    |
| Harris,            | Moore,             | Weatherred, |
| Henderson,         | Patton,            | Wynne.      |
| Hightower,         |                    |             |

NAYS—none.

NOT VOTING—6.

|                   |          |                  |
|-------------------|----------|------------------|
| Buchanan of Wood, | Burton,  | Martin of Cooke, |
| Burges,           | Houston, | Ross.            |

Bill read third time and passed by the following vote:

YEAS—23.

|                     |                    |             |
|---------------------|--------------------|-------------|
| Buchanan of Grimes, | Homan,             | Rainey,     |
| Cooper,             | Lair,              | Ross,       |
| Davenport,          | Lane,              | Stubbs,     |
| Duncan,             | Lightfoot,         | Swain,      |
| Gooch,              | Martin of Navarro, | Terrell,    |
| Harris,             | Moore,             | Weatherred, |
| Henderson,          | Patton,            | Wynne.      |
| Hightower,          | Powers,            |             |

NAYS—none.

NOT VOTING—5.

Buchanan of Wood,  
Burges,

Burton,  
Houston,

Martin of Cooke

Senate bill No. 129, "An act to amend article 1379, chapter 18, title 29, of the Revised Civil Statutes of the State of Texas," was taken up with adverse report of committee, and, on motion of Senator Lightfoot, report adopted and bill lost.

(President pro tem. in the chair.)

Senate bill No. 132, "An act to repeal article 756, chapter 12, title 17, of the Penal Code of the State of Texas," was taken up, read second time, with adverse report of committee. Report adopted and bill lost.

Senator Martin, of Navarro, by leave, introduced a bill entitled, "an act to amend chapter 2, title 21, of the Revised Civil Statutes, by adding thereto article 1514a, so as to define what paupers shall be buried at public expense." Referred to Judiciary Committee No. 1.

Senate bill No. 135, entitled "An act to create the office of animal and hide inspector, to prescribe his duties and affix penalties, and encourage stockraising," with adverse report of committee, was taken up.

On motion of Senator Moore, the report of committee was adopted and bill lost.

Senate bill No. 137, entitled "An act to amend article 2725, chapter 1, of title 68, of the Revised Civil Statutes of the State of Texas," adopted on the twenty-eighth day of February, A. D. 1879, was taken up, read second time and ordered engrossed.

Senate bill No. 140, entitled "An act doubling the penalty of all offences committed in the State of Texas with a weapon the carrying of which is prohibited by law," was taken up, read second time and ordered engrossed.

Senate bill No. 141, entitled "An act to amend article 375 of the Penal Code of the State of Texas," was taken up and read second time, with adverse report of committee. The report of the committee was lost.

Senator Duncan offered the following amendment: Add after "Indians" the words "or to any other person." Withdrawn, and the Senate refused to engross the bill by the following vote:

YEAS—7.

|                   |         |         |
|-------------------|---------|---------|
| Buchanan of Wood, | Powers, | Stubbs, |
| Hightower,        | Rainey, | Swain   |
| Lightfoot,        |         |         |

NAYS—17.

|            |                    |             |
|------------|--------------------|-------------|
| Cooper,    | Homan,             | Patton,     |
| Davenport, | Houston,           | Ross,       |
| Duncan,    | Lane,              | Terrell,    |
| Gooch,     | Martin of Cooke,   | Weatherred, |
| Harris,    | Martin of Navarro, | Wynne.      |
| Henderson, | Moore,             |             |

NOT VOTING—4.

|                    |         |       |
|--------------------|---------|-------|
| Buchanan of Grimes | Burton, | Lair. |
| Burges,            |         |       |

Senator Stubbs entered a motion to reconsider the vote by which the report of the free conference committee on House bill No. 482, "An act to amend articles 4662 and 4664, chapter 1, title 95, of the Revised Statutes, adopted February 28, 1879," was adopted.

Senate bill No. 143, entitled "An act to amend an act entitled 'an act to authorize the Commissioner of the General Land Office to contract for the lithographic printing of maps of the various counties of the State, and to provide for the sale of the same, and to make an appropriation therefor,' etc." was taken up, read second time and ordered engrossed.

On motion of Senator Wynne, Senator Moore was excused from Saturday morning next until Monday morning following.

On motion of Senator Gooch, Senator Duncan was excused next Monday, and until Friday morning following.

On motion of Senator Lightfoot, Senator Martin of Cooke was excused indefinitely after the twentieth instant.

On motion of Senator Swain, the Senate adjourned until 3 o'clock p. m.

### AFTERNOON SESSION.

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Senator Harris, by leave, presented a memorial or communication from the Hons. A. J. Peeler and George Pfuefer, in reference to the report of the select committee of the two houses of the Legislature, appointed by them to visit and report upon the condition and management of the Agricultural and Mechanical College at Bryan, etc."

On motion of Senator Gooch, the memorial was referred to the Committee on Education.

House bill No. 225, entitled "An act to provide for the payment of William Scanlan, late sheriff of Cameron county, for conveying prisoners, convicts, to the State penitentiary, and for guards, as directed to be audited by the judgment of the District Court of Walker county, etc.," being the pending business, was taken up.

On motion of Senator Martin of Navarro, the bill was laid on the table, subject to call.

Senator Lane, chairman of Finance Committee, by leave, made the following report on House bill No. 566, entitled "An act making appropriations for deficiencies, beginning March 1, 1879, and ending February 28, 1881, and for previous years."

COMMITTEE ROOM,  
AUSTIN, March 16, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance have had under consideration House bill No. 566, entitled "An act making appropriations for deficiencies, beginning March 1, 1879, and ending February 28, 1881, and for prior years," and I am instructed by a majority of the committee to report the same back to the Senate with the accompanying amendments, and as amended, to recommend that it do pass.

#### COMMITTEE AMENDMENTS.

Strike out on line —, page —, of the bill, \$38,145.67, and insert therefor \$28,145.67.

Under head of quarantine, insert after last item, "salary and expenses, quarantine year ending February 28, 1881, \$2,582.43."

Under the head of miscellaneous, strike out "appropriation to J. G. Hamilton of \$162.50."

After the word "teacher," in line —, on page —, of the bill, insert "and inspectors."

Add to section 1, after the last item thereof, "salary of Board of Veterans, \$1200."

For payment of debt (second class) against the late Republic of Texas, \$3000.

For payment of A. J. Caldwell, \$4.97; for payment of N. F. Dunn, \$17.43; for payment of G. R. Patton, \$78.44; for payment of A. Wyschetzke, \$1140.

LANE, Chairman.

Bill read first time.

The roll being called under the rule for evening sessions, Senator Rainey's name was reached, who called up House bill No. 566 (deficiency bill).

On motion of Senator Rainey, the constitutional rule was suspended and the bill placed on its second reading by the following vote:

YEAS—21.

|                   |                    |             |
|-------------------|--------------------|-------------|
| Buchanan of Wood, | Hightower,         | Moore,      |
| Burges,           | Homan,             | Patton,     |
| Burton,           | Houston,           | Rainey,     |
| Cooper,           | Lair,              | Ross,       |
| Davenport,        | Lane,              | Swain,      |
| Gooch,            | Lightfoot,         | Weatherred, |
| Harris,           | Martin of Navarro, | Wynne.      |

Sig. 32

NAYS—none.  
NOT VOTING—7.

|                    |                  |          |
|--------------------|------------------|----------|
| Buchanan of Grimes | Martin of Cooke, | Stubbs,  |
| Duncan,            | Powers,          | Terrell. |
| Henderson,         |                  |          |

The bill was read the second time, with amendments of the committee.

The first and second committee amendments were adopted.

The third committee amendment was adopted by the following vote:

YEAS—14.

|            |                    |             |
|------------|--------------------|-------------|
| Cooper,    | Hightower,         | Rainey,     |
| Davenport, | Homan,             | Ross,       |
| Gooch,     | Lair,              | Weatherred, |
| Harris,    | Martin of Navarro, | Wynne.      |
| Henderson, | Moore,             |             |

NAYS—9.

|                   |                  |         |
|-------------------|------------------|---------|
| Buchanan of Wood, | Lane,            | Patton, |
| Burton,           | Lightfoot,       | Stubbs, |
| Houston,          | Martin of Cooke, | Swain.  |

NOT VOTING—5.

|                     |         |          |
|---------------------|---------|----------|
| Buchanan of Grimes, | Duncan, | Terrell. |
| Burges,             | Powers, |          |

The fourth and fifth committee amendments were adopted.

Senator Lane offered the following amendment to the sixth committee amendment: Amend on line 17, page 5, by inserting between the words "class" and "against" as follows: "and second class B and C." Adopted, and the sixth committee amendment as amended was adopted.

The seventh, eighth and ninth committee amendments were adopted.

The tenth committee amendment was lost.

Senator Gooch offered the following amendment: Under head of miscellaneous insert "For paying the widow of W. L. Byrd, \$24.80." Adopted.

Senator Wynne offered the following amendment: Amend by adding after the last item, under head of miscellaneous, the following:

To pay Jas. H. Everett, late sheriff of Rusk county, for carrying Lem. Dorson from Marshall to Huntsville, Texas, in 1870, (said Dorson was convicted in the District Court of Rusk county and sentenced to the Penitentiary for life, and confined in Harrison county jail for safe keeping); \$276.

Lost.

Senator Wynne moved to reconsider the vote by which the last amendment was lost. Adopted by the following vote:

YEAS—18.

|            |                  |             |
|------------|------------------|-------------|
| Burges,    | Homan,           | Moore,      |
| Burton,    | Houston,         | Patton,     |
| Gooch,     | Lair,            | Ross,       |
| Harris,    | Lane,            | Swain,      |
| Henderson, | Lightfoot,       | Weatherred, |
| Hightower, | Martin of Cooke, | Wynne.      |

NAYS—3.

|         |            |         |
|---------|------------|---------|
| Cooper, | Davenport, | Rainey. |
|---------|------------|---------|

NOT VOTING—7.

|                     |                    |          |
|---------------------|--------------------|----------|
| Buchanan of Grimes, | Martin of Navarro, | Stubbs,  |
| Buchanan of Wood,   | Powers,            | Terrell. |
| Duncan,             |                    |          |

The amendment was then adopted by the following vote:

YEAS—13.

|            |                    |             |
|------------|--------------------|-------------|
| Burges,    | Lane,              | Stubbs,     |
| Burton,    | Lightfoot,         | Swain,      |
| Harris,    | Martin of Navarro, | Weatherred, |
| Henderson, | Patton,            | Wynne.      |
| Lair,      |                    |             |

NAYS—10.

|            |                  |         |
|------------|------------------|---------|
| Cooper,    | Homan,           | Moore,  |
| Davenport, | Houston,         | Rainey, |
| Gooch,     | Martin of Cooke, | Ross.   |
| Hightower, |                  |         |

NOT VOTING—5.

Buchanan of Grimes, Duncan, Terrell.  
Buchanan of Wood, Powers,

Senator Ross offered the following amendment: Amend by inserting the following:

To pay W. D. Thompson for pension as a soldier in Capt. Crain's company in 1835, \$970.

Adopted.

Senator Burges offered the following amendment:

For payment of the following certificates of indebtedness issued by Governor Sam Houston to Peter Tumlinson for military services rendered by him and others for payment in A. D. 1860, viz.: No. 268 for \$22.35; No. 275 for \$16.93; No. 267 for \$9.65; No. 263 for \$11.82; No. — for \$23.25; total, \$84, interest from date, \$158; aggregate, \$252.

Senator Martin of Cooke moved that the bill and pending amendment be referred to the Committee on Finance. Adopted.

Senator Davenport introduced a bill entitled "An act for the relief of Roden T. Crain." Read by caption and referred to the Committee on Private Land Claims.

On motion of Senator Homan, Capt. C. M. Boynton, Second Assistant Secretary of the Senate was excused on account of sickness.

The President, after reading their captions, signed the following bills:

House bill No. 33, "An act to amend article 4752, title 95, of chapter 4, of the Revised Statutes of the State of Texas."

House bill No. 217, entitled "An act to validate certain notarial acts in the State of Texas."

House bill No. 266, entitled "An act to authorize the Commissioner of the General Land Office to approve the bounty land warrant for 1920 acres of land issued on the twenty-fifth day of November, 1846, by Wm. G. Cook, Adjutant-General, to the heirs of Wm. N. French."

House bill No. 576, "An act to provide for the change of time of holding the terms of the District Court of Gonzales county."

And House bill No. 570, entitled "An act to authorize and empower the Treasurer, with the advice and consent of the Governor and Comptroller, to use surplus moneys that may be at any time in the State Treasury belonging to the general fund for the purchase and retirement of outstanding bonds of the State."

On motion of Senator Burges, the Senate adjourned until 9:30 A. M. to-morrow.

#### FIFTY-SEVENTH DAY.

SENATE CHAMBER,  
AUSTIN, March 18, 1881. }

Senate met pursuant to adjournment; the President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Homan, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 18, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 276 have considered the same, and instruct me to recommend its passage. The bill proposes to supply a needed provision of the law relating to the burial of paupers.

TERRELL, Chairman.

Bill read first time.

Senator Lair, chairman of Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 18, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Private Land Claims have carefully examined Senate bill No. 279, "for the relief of Roden T. Crain," and instruct me to report it back with the recommendation that it do pass.

LAIR, Chairman.

Bill read first time.

Senator Lane, chairman of Committee on Finance, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 17, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance have had under consideration House bill No. 566, entitled "An act making appropriations for deficiencies beginning March 1, 1879, and ending February 28, 1881, and for previous years," with amendments of your Finance Committee and of the Senate thereto, and the committee unanimously instruct me to report the same back to the Senate with the accompanying amendments, and, as amended, to recommend that it do pass.

#### COMMITTEE AMENDMENTS.

Strike out lines 19, 20, 21 and 22, on page 2, of the original printed House bill.

Insert lines 3, 4 and 5, on page 3, of the original House bill, as follows: "To pay J. G. Hamilton for carrying a prisoner, charged with felony, adjudged insane, to Lunatic Asylum, from Delta county, in 1874, \$162.50."

Strike out appropriation on lines 25, 26, 27, 28 and 29, on page 3, of original printed House bill.

Strike out of the committee amendments as follows: Lines 11, 12 and 19, on page 5, of printed bill.

Strike out lines 20, 21 and 22, on page 6, of printed bill.

Strike out each and all of the amendments made by the Senate making or increasing an appropriation.

The committee recognize fully that the several claims hereby rejected, with many others brought to the consideration of the committee, are not wanting in merit, but that it is the deliberate opinion of the committee that its legitimate province is to make an appropriation for deficiencies in the current expenses of the government, which have been passed upon by the Comptroller of Public Accounts, audited and registered by him and reported to the Legislature in conformity to an act of the Sixteenth Legislature, approved July 9, 1879, which is as follows:

Section 1. *Be it enacted by the Legislature of the State of Texas, That* all sheriffs, attorneys, and all other parties holding claims against the State of Texas, for which no warrants have been issued, and the appropriation for which has been exhausted, shall present the same to the Comptroller of the State of Texas, for his consideration, at least thirty days before the meeting of each regular session of the Legislature of the State of Texas.

Sec. 2. The Comptroller of the State of Texas is authorized and directed to audit no claims against the State not presented in the time prescribed in section 1 of this act, until all claims presented prior to that time have been considered and passed upon by him.

Sec. 3. The Comptroller of the State of Texas, shall keep a book for the purpose of registering and indexing all audited claims against the State, and on the meeting of the regular session of the Legislature, shall make a minute report of the same to the two houses thereof, giving the names and amounts of all audited claims.

Your committee are of the opinion that all claims not reported by the Comptroller, as provided by this law, are properly the subjects of private special bills, which would involve the necessity of publication of notice of intention to apply to the Legislature for relief; that upon a general appropriation bill for deficiencies, the committee should not be called upon to hear or determine any matter that calls for the exercise of discretion, or to resolve itself into an auditorial board and pass upon private claims, and that all such claims are as they ought to be, when not registered and reported by the auditorial department of the government, subjects for special relief bills.

LANE, Chairman.

Bill read first time with committee amendments.

A message was received from the House announcing the adoption of the report of the committee of free conference on House bill No. 482, "An act to amend articles 4662 and 4664, chapter 1, title 95 of the Revised Statute, adopted February 28, 1879."

Senator Lair introduced a bill, entitled "An act to amend article 1092, chapter 4, title 15, Revised Criminal Code, relating to the fees of county attorneys." Referred to Judiciary Committee No. 1.

Senator Lane moved to take up House bill No. 566, "An